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July 10, 2009

***Via Fax to 631 712-5677***

Hon. Joseph F. Bianco  
District Court Judge  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

***Via Fax to 631 712-5766***

Hon. A. Kathleen Tomlinson  
Magistrate Judge  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: ***Kevin and Alissa Hughes v. Bank of America, N.A. et al.***  
08 CV 883 (JFB) (AKT)

Honorable Judges,

I, along with Christopher Kittell and Kevin Mallon, represent the plaintiffs in the above action. I am writing to advise of an issue that has arisen which requires assistance from the Court.

On April 23, 2009 the Court (Judge Bianco) issued an order granting the plaintiffs until June 8 to serve a motion to amend the complaint. That motion, which seeks to add additional claims against the defendant Bank of America, as well as to add a new party defendant, Experian Information Solutions, Inc. was served and filed on June 6. The order further required the defendant to serve

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opposition by July 8. No opposition papers have been received and no request for an extension to do so has been made.

The plaintiffs have issued a non-party subpoena to Experian seeking to conduct its deposition. Experian has advised that it will not appear for a deposition until the motion to amend the complaint is decided. The current discovery cut-off is August 17.

Accordingly, the plaintiffs respectfully request that the motion to amend the complaint be granted, as unopposed, and that the discovery cutoff, at least as it applies to the Experian deposition, be extended for at least 30 days.

Thank you for your attention to this matter.

Respectfully submitted,



JAMES B. FISHMAN

cc: Thomas Stagg (via electronic mail)